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21 February 2006

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Nepal: Whether a foreigner married to a Nepali citizen can obtain residence status in Nepal; the treatment of couples in inter-religious marriages (2004 - 2006)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Residence status

In a 9 February 2006 telephone interview with the Research Directorate, a consular official at the Royal Nepalese Embassy in Washington, DC explained that a woman married to a Nepali citizen would be allowed to reside in Nepal. She would be required to approach the Department of Immigration in Kathmandu with her marriage certificate and a letter of recommendation from her husband stating that she would be residing with him (Nepal 9 Feb. 2006). The Department of Immigration would then issue a non-tourist visa (ibid.) which, according to Article 8 of the Immigration Rules 2051 outlining the various types of visas granted by the government of Nepal, can be accorded to "[f]oreigners who have marital relation with the citizens of Nepal and [who] furnish the marriage registration certificate" (ibid. 6 June 1994). The Immigration Rules stipulate that the non-tourist visa is initially valid for a maximum period of one year and may be extended, if necessary (ibid. 6 June 1994). The consular official, however, also stated that the Department of Immigration in Nepal would determine the validity period of the non-tourist visa which could vary from one to five years (ibid. 9 Feb. 2006). The Constitution of the Kingdom of Nepal 2047 provides that a woman of foreign nationality married to a Nepali citizen would be entitled to apply for citizenship after renouncing her foreign citizenship (ibid. 1990, Art. 9).

According to the consular official, a foreign man married to a Nepali woman would be able to obtain a non-tourist visa and to remain in Nepal, but the visa would be limited in its validity (Nepal 9 Feb. 2006). Married women in Nepal, the official explained, are traditionally expected to live with the husband's side of the family, and it is considered unusual for a man to live with the woman's side of the family (ibid.). Although a foreign man married to a Nepali would be allowed to reside in Nepal for a limited period of time (ibid.), he would not be eligible for citizenship or permanent residence based on his marital status (ibid.; see also ibid. 7 Apr. 2003, 6, 20). The consular official was not aware of exactly how long the man would be allowed to remain in Nepal (ibid. 9 Feb. 2006).

Inter-religious Marriages

An anthropologist at Rutgers University who has studied issues of gender and marriage in Nepal (Rutgers University 8 Jan. 2006) told the Research

Directorate in a telephone interview that inter-religious marriages are rare and that she had not come across any in the course of her research (Associate Professor 6 Feb. 2006). Although the anthropologist considered inter-caste marriages to be more common than inter-religious marriages (ibid.), a 14 August 2005 *Newsday* article noted that inter-caste marriages were not prevalent in Nepal either. According to the anthropologist, inter-caste marriages in Nepal, where the vast majority of the population is Hindu, would be considered problematic for the family of the higher-caste spouse (ibid.). Issues related to caste, such as purity, would create problems in the relationship between the lower-caste spouse and his or her in-laws (ibid.). Some inter-caste marriages may even lead to the son or daughter of the higher caste family being disowned or to the couples facing social discrimination (ibid.). The anthropologist speculated that, if a high-caste Hindu married a Christian, similar familial and social difficulties could arise (ibid.). Approximately 81 per cent of the Nepali population is Hindu, 11 per cent is Buddhist, and 4.2 per cent is Muslim, with an additional 4 per cent of other religious affiliation (US 8 Nov. 2005, Sec. 1). According to the United States (US) Department of State, "the caste system strongly influences society" in Nepal, despite the fact that the Nepalese Constitution prohibits caste-based discrimination (ibid., Sec. 2, 3). The Department of State also commented that while discrimination against Hindus belonging to lower castes occurred in the area of marriage, members of other religious communities did not practise caste-based discrimination (ibid., Sec. 2).

Foreigners from countries in North America or Europe who marry Nepalis might find themselves accepted by their in-laws as a result of a relatively high social status accorded to them by Nepalis generally (Associate Professor 6 Feb. 2006). However, foreigners from other parts of the world, such as the Indian sub-continent, are considered by Nepalis to be of a relatively low social standing, and might face greater difficulty marrying into a Nepali family (ibid.). Corroborating information could not be found among the sources consulted.

Further information on the treatment of couples in inter-religious marriages could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Associate Professor of Anthropology, Rutgers University. 6 February 2006. Telephone interview.

International Religious Freedom Report 2005. 8 November 2005. "Nepal." United States Department of State. Washington, DC.
<<http://www.state.gov/g/drl/rls/irf/2005/51620.htm>> [Accessed 7 Feb. 2006]

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States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined Second and Third Periodic Reports of Nepal. <<http://www.un.org/womenwatch/daw/cedaw/30sess.htm>> [Accessed 7 Feb. 2006]

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Newsday [New York]. 14 August 2005. Matthew McAllester. "Nepal a Country on the Brink: Drawn into the Arms of the Maoists." (Factiva)

Additional Sources Consulted

One oral source did not provide information within the time constraints of this Response.

Internet sites, including: Amnesty International, Global IDP Project, Human Rights Watch, Nepalnews.com, Nepalese Ministry of Home Affairs, South Asia Analysis Group, United Kingdom Home Office, United Nations High Commissioner for Refugees (UNHCR), United States Committee for Refugees and Immigrants (USCRI).

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